

REMARKS

Favorable reconsideration of the present application in light of the following discussion is respectfully requested.

Claims 1-6 are currently pending in the application. No claim amendments are presented, thus no new matter is added.

In the outstanding Official Action, Claims 1 and 3-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Goss et al. (U.S. Patent 4,667,290, hereinafter "Goss") in view of Levy et al. (U.S. Patent 5,812,851, hereinafter "Levy").

The Official Action of May 23, 2005 rejected Claims 1, and 3-6 under 35 U.S.C. §103(a) as unpatentable over Goss in view of Levy, citing Goss as disclosing Applicants' invention with the exception of a front end configured to receive a grammar file corresponding to the language of the specifications file. Thus, the Official Action cites Levy and asserts that this reference discloses that the "front end receives the parser" and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to arrive at the Applicants' claims.¹ Applicants respectfully submit that Levy fails to teach or suggest the claimed feature for which it is asserted as a secondary reference under 35 U.S.C. §103.

Claim 1 relates to a computer code generator that generates computer code based on a received specifications file and a *received grammar file which corresponds to the language of the specification file*. A front end of the generator then creates an intermediate file by performing a grammatical and syntactical analysis on the specifications file using the received grammar file. This intermediate file includes a syntactical tree describing the data in the specifications file, and all data extracted from the specifications file by the front end is associated with a node in the tree. Finally, a template defines programming rules associated

¹ Official Action of May 23, 2005, p. 3.

with each node as a function of the computer code to be generated, and a back end generates output code by reading the intermediate file in the syntactical tree.

In an exemplary, non-limiting embodiment, the front end (FE) communicates with the specification file (4) for a start language, and also communicates with a file (5) describing the grammar of the specifications file language. Thus, the FE processes two series of input data, firstly the data supplied by the specifications file (4) describing the language syntax, and data supplied in the grammar file (5). Since the FE is able to communicate dynamically with a grammar file, specification files of various languages can be easily processed by dynamically accessing a grammar file corresponding to the language of the specification file.

Specifically, Claim 1 recites, *inter alia*, a computer code generator, comprising:

“...a front end configured to **receive a** specifications file
and a **grammar file corresponding to a language of the
specifications file...**”

In addressing the above noted claimed feature, the outstanding Official Action relies on Levy. Specifically, the outstanding Official Action states

Levy... teaches that the front end receives the ‘parser’ (Levy col 1 lines 24-26) and front end provides the ‘abstract syntax tree’ (col 3 lines 33-35, ‘**the front end 201 provides the abstract syntax tree** to a generic backend 203’), it indicates that the ‘front end’ inherently receives a ‘grammar file’ because without receiving the ‘grammar file’ the ‘syntax tree’ cannot be generated. Thus the front end receives the ‘source code’ (col 2 lines 2-6) and the ‘grammar file’.²

Applicants respectfully disagree with this assertion.

Specifically, the Official Action states that Levy “teach that the front end receives the ‘parser’”, citing col. 1, lines 24-26. However, the cited portion of Levy simply describes that the front end “typically includes a parser” that takes the token sequences of the scanner and creates an abstract syntax tree of the file representing the grammatical structure of the tokens. Thus, the cited portion of Levy clearly describes that the FE includes a parser, but fails to

² Outstanding Official Action, p. 2.

teach or suggest that the FE is configured to *receive a grammar file*, as recited in independent Claim 1. In fact, the FE describes by Levy could have been created with the grammar file already included in the FE, and would therefore have no reason to receive a grammar file whatsoever.

The outstanding Official Action further asserts that since the FE of Levy provides the abstract syntax tree to the generic backend that “the ‘front end’ inherently receives a ‘grammar file’ because without receiving the ‘grammar file’ the ‘syntax tree’ cannot be generated.” While it may be the case that without using a parser (or grammar file), the syntax tree may not be generated, it is unclear that such a feature inherently requires that a grammar file be received by the FE. As noted above, the FE may be designed with the parser already included in the FE, and there would therefore be no need to “receive a grammar file” whatsoever, as recited in independent Claim 1.

“In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” See Ex parte Levy, 17 USPQ2d 1461, at 1464 (Bd. Pat. App. & Inter. 1990) and MPEP § 2112.

Levy fails to teach or suggest that the FE of his system is configured to *receive a grammar file*, instead Levy simply describes that the grammar file (e.g. English) that exists in the FE is used to generate an abstract syntax tree of the input text file. Levy fails to provide any motivation or rationale in his description as to why his FE may be configured to receive a grammar file whatsoever. Accordingly, Applicant respectfully submits that the Official Action has failed to meet the burden of providing a basis in fact and/or for technical reasoning to support the assertion that Levy’s FE inherently receives a *grammar file corresponding to a language of the specifications file*, as recited in independent Claim 1.

Further, as noted above, the computer code generator of Claim 1 provides for the ability to dynamically alter the grammar file that is used in conjunction with the specifications file to generate an abstract syntax tree, by ***receiving a grammar file corresponding to a language of the specifications file***. Levy fails to teach or suggest such a capability and therefore fails to teach or suggest the above distinguished feature recited in independent Claim 1.

Finally, as admitted in the outstanding Official Action, Goss fails to teach or suggest a front end configured to ***receive*** a specifications file and ***a grammar file corresponding to a language of the specifications file***. Likewise, as discussed above, Levy fails to remedy this deficiency, and therefore none of the cited references, neither alone nor in combination teach or suggest Applicants' Claims 1 and 3-6 which include the above-distinguished features by virtue of independent recitation or dependency. Therefore, the outstanding Official Action fails to make a *prima facie* case of obviousness with regard to any of these claims.

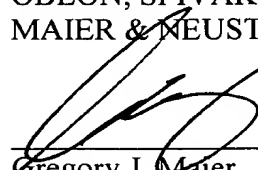
Accordingly, Applicants respectfully request that the rejection of Claims 1 and 3-6 under 35 U.S.C. §103 be withdrawn.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1 and 3-6 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
ATH/rac

Andrew T. Harry
Registration No. 56,959

I:\ATTYATH\PROSECUTION\21's\212029-US\212029 AM 12.8.05.DOC